



Montgomery County, Maryland

COUNTY COUNCIL AGENDA

COUNCIL HEARING ROOM, 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850
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The Council Agenda is subject to change any time after printing or during the Council meeting. Please contact the Council Office to obtain current information.

This meeting will be televised live on Channel 6; repeated on 10/11/02 at 8 pm and 10/12/02 at 9 am

Tuesday, October 8, 2002

(1) 8:30 - 9:30 **Breakfast Meeting** - Board of Appeals (6th floor Council Conference Room) (Lauer/Wilson)

9:45 **INVOCATION** - Pastor Donell Peterman, The Joshua Group Ministries, Silver Spring

9:50 **GENERAL BUSINESS**

(2) A. **Announcement** - Agenda and Calendar Changes (Lauer)
B. **Action** - Approval of Minutes: September 24, 2002 (Edgar)
C. **Acknowledgement** - Receipt of Petitions (McGuire)

(3) 9:55 **CONSENT CALENDAR**

- A. **Action** - Resolution in support of State Financing for Hampshire Village in Silver Spring, Maryland (Trombka)
- B. **Action** - Appointment of Orrick, Herrington & Sutcliffe, LLP, as special counsel for Board of Investment Trustees for private equity investments (Faden)
- C. **Action** - Resolution to endorse Maryland Economic Development Assistance Fund (MEDAF) Loan - \$750,000 for Manugistics, Inc.'s expansion project (Ferber)
- D. **Action** - Resolution to endorse Maryland Economic Development Assistance Fund (MEDAF) Loan - \$150,000 for OPNET Technologies, Inc.'s expansion project (Ferber)
- E. **Action** - Resolution to endorse Maryland Economic Development Assistance Fund (MEDAF) Loan - \$2,500,000 for MedImmune, Inc.'s expansion project (Ferber)
- F. **Action** - Confirmation of County Executive appointments to the Library Board: Kurt E. Beske; James S. Healey; Joseph C. McClane; Farhana Shah (Ferber)
- G. **Action** - Confirmation of County Executive appointment to the Wheaton Urban District Advisory Committee: William J. Schu (Ferber)
- H. **Action** - Confirmation of County Executive appointment to the Mid-County Citizens Advisory Board: Karen M. Gerkin (Ferber)



(3) 9:55 **CONSENT CALENDAR** (continued)

- I. **Action** - Confirmation of County Executive appointments to the Commission on People with Disabilities: Michael J. Bruen; Christina M. Byrne; Chief Charles A. Moose; Sheik Hassan, M.D.; John P.S. Salmen; Harold W. Snider; Karen Kuker-Kihl; Connie Caldwell; Walter Davis; David C. Sharp (Ferber)
- J. **Action** - Confirmation of County Executive appointment to the Silver Spring Urban District Advisory Committee: Robert R. Middleton (Ferber)
- K. **Action** - Confirmation of County Executive appointments to the Alcohol and Other Drug Abuse Advisory Council: James Lethbridge; Christa Lynn Mobley; Rosalind Goldfarb; Ricky Choi; Colonel Kenneth Hoffman, M.D.; Sandra L. Craig (Ferber)
- L. **Action** - Confirmation of County Executive appointments to the Human Rights Commission Transition Panels: Nancy Morrison O'Connor; Stanley Goldberg; Barbara Zelenko; Bruce Wood; Antonio R. Franco; Henry M. Doan; James B. Blinkoff; Jacqueline Simon; Zarina Durrani; Lawrence S. Jacobs; Paul M. Schwab (Ferber)
- M. **Action** - Confirmation of County Executive appointment to the Ethics Commission: Elizabeth Kellar (Ferber)
- N. **Action** - Confirmation of County Executive appointments to the County-wide Recreation Advisory Board: Scherry Donato; James E. Erickson; Richard Pelroy; Paul Widem; Muriel D. Ward; Pamela F. Gogol (Ferber)
- O. **Introduction** - Resolution to authorize the issuance of refunding bonds (Sherer)
- P. **Introduction** - Special Appropriation to the County Government's FY03 Operating Budget, Department of Public Works and Transportation, Facilities and Services Division - \$236,000 for New Office Space for the Office of the Sheriff (Source: General Fund Reserves) (McMillan)
Public Hearing is scheduled for 10/15/02 at 1:30 pm.

(4) 10:00 **ACTION** - Appointment to the Board of Appeals (Ferber)

10:05 **DISTRICT COUNCIL SESSION**

- (5) A. **Action** - Zoning Text Amendment 02-08, Site Plan Conformance with General Plan (Wilson)
PHED Committee recommends approval with amendments.
- (6) B. **Action** - Zoning Text Amendment 02-18, Deer fences (Wilson)
PHED Committee recommends approval.
- (7) C. **Action** - Zoning Text Amendment 02-06, Cherry Hill Employment Overlay Zone - Permitted Uses (Wilson)
PHED Committee recommends approval with amendments.
- (8) D. **Action** - Zoning Text Amendment 02-09, Roofed Porches (Wilson)
PHED Committee recommends approval with amendments.

- (9) 10:30 **BIANNUAL REPORT** of the Montgomery County Planning Board (Michaelson)
- 12:00 **RECESS**
- (10) 1:30 **PUBLIC HEARING/ACTION** - Resolution to establish FY04 Spending Control Limits for the Washington Suburban Sanitary Commission (Levchenko)
T&E Committee recommendation will be available 10/7/02.
- (11) 1:30 **PUBLIC HEARING** - Amendment to Washington Suburban Sanitary Commission's FY03-08 Capital Improvements Program: (Levchenko)
 - W-46.18, Newcut Road Water Main, Part 2
 - W-46.21, Clarksburg Area Stage 3 Water Main, Part 3*T&E Committee worksession tentatively scheduled for 10/14/02 at 2:00 pm.*
- (12) 1:30 **PUBLIC HEARING** - Supplemental Appropriation to the County Government's FY03 Operating Budget - \$1,342,150 for Celebrate Silver Spring to support revitalization of downtown Silver Spring (Source: General Fund and Silver Spring Parking Lot District fund) (Ferber)
PHED Committee worksession tentatively scheduled for 10/14/02 at 9:00 am.
- (13) 1:30 **PUBLIC HEARING/ACTION** - Amendments to the County Government's FY03-08 Capital Improvements Program to support revitalization of downtown Silver Spring - Silver Spring Redevelopment Program, Parking Town Square Garage #61, Parking Silver Spring Garage #60 (Ferber)
PHED Committee recommends approval.
- (14) 1:30 **PUBLIC HEARING/ACTION** - Special Appropriation to the County Government's FY03 Operating Budget, Montgomery County Fire and Rescue Service - \$544,150 to conduct annual inspections of all public and private schools (Source: Fire Tax District Undesignated Reserves) (Davidson)
PS Committee recommendations will be available 10/3/02.
- (15) 1:30 **PUBLIC HEARING - Bill 29-02**, Montgomery County Planning Board - Salaries (Faden)
MFP Committee worksession tentatively scheduled for 10/28/02 at 2:00 pm.
- (16) 1:30 **PUBLIC HEARING - Bill 30-02**, Alarms - Revisions (Cogan)
PS Committee worksession tentatively scheduled for 10/31/02 at 9:00 am.
- 2:30 **ADJOURN**
- 2:30 **T&E/MFP Committee** - 7th floor Council Hearing Room

The following appointments were received from the County Executive and are tentatively scheduled for confirmation on October 15, 2002:

Commission on Crossroads Development: Gary Stith; Wanda Resto Torres; Drew Tracy; Philip McLaughlin; Martha Waddy

COUNCIL MEETINGS

Note: See the IN COMMITTEE for a listing of the Committee meetings currently scheduled.

Oct. 15, 2002	9:00 a.m.	Regular Session - Legislative Session
Oct. 22, 2002	9:00 a.m.	Regular Session
Oct. 29, 2002	9:00 a.m.	Regular Session
Nov. 4-18, 2002		Council Recess
Nov. 5, 2002		General Election
Nov. 19, 2002	9:00 a.m.	Regular Session
Nov. 26, 2002	9:00 a.m.	Regular Session
Nov. 28, 2002		Thanksgiving Day - Holiday

Public Hearings - To Testify call 240-777-7931

October 10, 2002

7:30 pm Special Appropriation to MNCPPC's FY03 Capital Budget and amendment to FY03-08 Capital Improvements Program - \$514,230 for the South Germantown Recreational Park: SoccerPlex Facilities project

7:30 pm **Emergency Bill 31-02**, South Germantown Recreational Park - Lease Amendments

8:00 pm **Emergency Bill 33-02**, Moderately Priced Dwelling Units - Optional Construction

October 15, 2002

1:30 pm Amendment to Annual Growth Policy regarding transfer of Development Capacity in the Cherry Hill Overlay Zone

1:30 pm Amendment to Washington Suburban Sanitary Commission's FY03-08 Capital Improvements Program and offsetting adjustments: Water and Wastewater Treatment

1:30 pm Resolution to approve Economic Development Revenue Bonds in amount not to exceed \$44,000,000 for The Institute of Genomic Research (TIGR)

1:30 pm Resolution to continue Silver Spring Transportation Management District and Bethesda, Friendship Heights, and North Bethesda TMD resolutions

1:30 pm **Bill 32-02**, Transportation Management District - Revisions

1:30 pm Supplemental Appropriation - DHHS -\$724,250 for Youth Strategies Consolidated Grant

1:30 pm Special Appropriation to the MNCPPC's FY03 Capital Budget and amendment to FY03-08 CIP - \$373,000 for cost increases related to design and construction of the Black Hill Maintenance Facility; and Transfer of funds - \$250,000 from the Bonifant Road Landfill Closure project to the Black Hill Maintenance Facility

1:30 pm Special Appropriation to the County Government's FY03 Operating Budget, Department of Public Works and Transportation, Facilities and Services Division - \$236,000 for New Office Space for the Office of the Sheriff

7:30 pm Supplemental Appropriation to the County Government's FY03 Operating Budget, Department of Public Works and Transportation - \$6,865,000 for the Go Montgomery program; and Supplemental Appropriation to the County Government's FY03 Capital Budget and amendment to FY03-08 Capital Improvements Program, Department of Public Works and Transportation - \$5,091,000 for the Go Montgomery program.

October 22, 2002

1:30 pm **Emergency Bill 34-02**, Building Permits - Extensions



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APPLICANTS SOUGHT FOR MERIT SYSTEM PROTECTION BOARD

DEADLINE NOVEMBER 13, 2002

The Montgomery County Council is accepting applications from qualified voters of the County for appointment to a three-year term on the Merit System Protection Board. Generally, the Board is expected to protect the Merit System and to protect employee and applicant rights guaranteed under the County Merit System.

The term of Board member Robert Hamilton will expire in December 2002. Mr. Hamilton has served two terms and is not eligible to serve another term. The appointee must be a Republican, or decline to affiliate with a party, or a member of another party officially recognized by the Board of Elections. By law, no more than two of the three members of the Merit System Protection Board may be of the same political party. Present Board members are Harold Kessler (Democrat), James McDaniel (Democrat), and Robert Hamilton (Republican). Accordingly, the appointee may not be a Democrat.

The County Merit System Protection Board's mission is to oversee the Merit System for the protection of employee's and applicant's rights guaranteed under the Merit System. There are two methods in which the Board processes appeals: 1) a written decision issued after a review and discussion of a written record; 2) a written decision issued after a pre-hearing conference and a formal hearing in cases involving a suspension, demotion or dismissal. The Board, on a periodic basis, conducts special studies, audits or inquiries of the administration of the merit and retirement pay systems and, in this effort, may compel the attendance of witnesses. Written reports of its findings and recommendations are filed with the County Executive and the County Council. The Board also provides comments on any proposed changes in the Merit System law or regulations.

The Board normally meets for approximately four hours in the evening once every two weeks. In addition, the Board holds hearings during the day, which can take the full day or be scheduled for the evening. Additional time is also required for preparatory work. Members of this Board receive \$6,590, which is adjusted annually to reflect 50% of the percentage change in the Washington Area Consumer Price Index.

The appointment is for three years. Section 403 of the County Charter states in part "...No member shall hold political office or participate in any campaign for any political or public office during the member's term of office."

Individuals interested in serving on the Merit System Protection Board should submit a letter, including a resume, expressing their interest in being considered for appointment to the Board to Council President Steven Silverman, Montgomery County Council, 100 Maryland Avenue, Rockville, Maryland 20850. Applications must be received in the Council office by 5:00 p.m. Wednesday, November 13, 2002.

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